

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

By this Amendment, Applicants have amended the specification at page 2, cancelled claim 30 without prejudice or disclaimer, amended claims 23, 25, 29 and 31-34 to provide a clearer presentation of the claimed invention, and presented new claim 35. Accordingly, claims 23-29 and 31-35 are currently pending, of which claims 23 and 34 are independent. No new matter has been added by this Amendment.

Objections

In the Office Action the Examiner objected to the claim numbering. Applicants have renumbered the claims in accordance with the renumbering in the Office Action.

The Office Action further indicates that the continuing data needs to be inserted on page 1 of the specification. That amendment was made in the Request for Filing of the Continuation Application, but appears to not have been entered by the Patent Office. Therefore, Applicants have amended the specification in this amendment.

Priority Claim

Furthermore, the August 20, 2003 Office Action acknowledged the priority claim, yet in the November 19, 2003 Office Action the box on the PTOL-326 was not checked. It is respectfully requested that the examiner confirm acknowledgement of the priority claim.

Withdrawal of the objections is respectfully requested.

Rejection Under 35 U.S.C. § 112

Claims 23-29 and 34 have been rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed. However, in order to expedite the examination and to eliminate superfluous language from the claim, Applicants have amended claims 23 and 29 to provide a clearer presentation of the claimed invention. With respect to claim 34, the examiner is referred to the specification, for example, at page 13, lines 7-11 and/or page 13, line 20 to page 14, line 2. Withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 30-34 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,607,444 to Lam (“the ‘444 patent”). Applicants respectfully traverse the rejection. It is noted that claim 30 has been cancelled without prejudice to or disclaimer of the subject matter contained therein and dependent claims 31-33 have been amended to depend, directly or indirectly, from independent claim 34.

Amend independent claim 34 calls for, among other things, directing the *flared* stent to an edge of the vessel as claimed. In contrast to claim 34, the ‘444 patent discloses an ostial stent 20 positioned within a diseased portion of a bifurcated vessel 21, as illustrated by FIG. 6 of the ‘444 patent. Thereafter, a balloon catheter 23 is expanded and (1) a tubular body 24 of the ostial stent 20 is seated within and repairs the diseased vessel and (2) a flaring portion 25 of the ostial stent 20 is expanded and deformed so that the ostial stent 20 caps the ostium of the diseased portion of the vessel 21. (col. 6, line 67 to col. 7, line 6; FIG. 6). The ‘444 patent discloses another embodiment where a

retaining sleeve 47 is employed to maintain a spring-like ostial stent 45 in its unexpanded and undeformed configuration. Upon arrival of the ostial stent 45 at the repair site, removal of the retaining sleeve 47 allows the ostial stent 45 to spring to its expanded and deformed configuration, thereby seating and capping a diseased vessel 21 at a bifurcation 27. (col. 8, lines 1-11).

The '444 patent discloses positioning the stent at the ostial site and then, at the ostial site, expanding and deforming the flaring portion. The '444 patent fails to disclose the claimed combination, including, directing the *flared* stent to an edge of a vessel.

Applicants respectfully submit that claim 34 is not anticipated by the '444 patent and is in condition for allowance. Withdrawal of the rejection is respectfully requested. At least for the reasons discussed above with reference to independent claim 34 and for the additional features recited therein, dependent claims 31-33 are also in condition for allowance.

Allowable Subject Matter

Claims 23-29 have not been rejected based on prior art. Because the rejection under 35 USC 112 has been overcome, claims 23-29 are also in condition for allowance.

Conclusion

In view of the above, the claims are believed to be in form for allowance, and such an action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, please telephone the undersigned at the number below:

Respectfully submitted,

Date

January 20, 2003

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The Commissioner is hereby authorized to charge any additional fees that may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2228. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2228.